

originate to U.S. Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMANORTHERN DIVISION

Dicky Davis #1M3043

Plaintiff, pro se

v.

CIVIL ACTION

Evelyn Mosley

No. 2:06cv10-F

Gordon III, et. al.

Defendant(s)

DEFENDANT'S STATEMENT OF GORDON GORDON
 Comes now Defendant Gordon Gordon 1M3260,
 who is over (21) twenty-one years of
 age and a inmate at Prentiss
 Correctional Facility. Testifies to the
 following incident.

In December 5th 2005, around
 3:00 A.M. Inmate Dicky Davis #1M3043
 was beating on his door trying to get
 Officer Floyd and Williams to cut
 the lights out in his cell. Officer
 Floyd's response by calling him out.
 Davis continues to kick his door.
 Offiier Floyd and Williams leaves and
 returns with Sergeant Bryant. They
 handcuff Davis hands behind his
 back and removes him from
 his cell, taking him out into
 the lobby. Minutes later he returns

with the left-side of his face covered with a hand print like bruise. I see this as he passes my cell. Turning to him, I also witness Officers Fields, and Williams smirking as they walk back to the tier. I then learn from Davis that Sgt. Bryant took him into a room and strapped him down. I tell him to dash the nurses for a body chart when she comes around minutes later. As she passes my cell, I inform her myself that truly Davis needs a body chart because he has just been beaten by Officers. She totally ignores me, and she also ignores Davis when he informs her. I advise him to dash for medical attention when they change shift at 2:00 A.M. I testify to the fact that this same Sergeant Bryant is the same individual who also had me taken out into the lobby and strapped me down while I was handcuffed behind my back, along with COT Darren Bell, for kicking on my cell-

such abuse has become common in S Down Generation Unit and it really needs to be stopped before it gets mass down and God carried away and kill one of us. I have filed a complaint along with a few other inmates who has been subjected to the same abuse.

I swear under penalty of perjury that the above statement is true. Done this 30 day of December, 2005.

Garrett Gaines
Garrett Gaines

original

to U.S. court

Ricky Davis #173073

plaintiff

v.

2:06cv10-F

Warden G. Mosley, et. al.

defendant

Affidavit of Michael Brazell

My name is Michael Brazell, I am presently being confined at E.C.F. administrative segregation 5-B-8 for a term of indifinate, who is the plaintiff in Civil action no. 2:05-CV-1130-T, I'm a victim of being assaulted while handcuffed behind my back. I am over (21) twenty-one years of age

Pursuant to federal rules of civil ~~proce~~ procedure, 28 U.S.C. 1746 (2), which under the penalty of perjury now states the following:

On December 30th of 2005, between 2:00 and 3:00 a.m., inmate Ricky Davis #173073, who's assigned to 5-B-11. He had a problem with the officers because they would not turn his lights off, the officers who he was having problems with were COI Floyd, COI Williams, then they was joined with Sgt. Baxtley, and Sgt. Bryant. Inmate Ricky Davis was escorted out of his cell, and to the lobby of the segregation unit. He stayed

out there, 2 to 3 minutes, and then was brought back on B side tier by COI Floyd, and COI Williams, they were both laughing. Inmate Rick Davis face was extremely red, as well as some swelling to the right side of his face around his eye. Upon information and belief by inmate Ricky Davis, he was slapped around by Sgt. Bryant. Sgt. Bryant was also involved in the beating of Garrett Gaines while inmate Garrett Gaines was handcuffed behind his back. Ricky Davis was refused medical treatment on 3rd shift. He was taken to get a body chart on 1st shift and then was investigated by Cpt. Sconyers. The staff at E.C.F. are not concerned about inmates, only concerned about justifying there officers actions. This is a constant and common pattern at E.C.F.

I declare under the penalty of perjury that the foregoing is true and correct, except upon information and belief, which that I believe is true. Done this 30th day of December 2005.

Michael Bagnell #226568

apprise
U.S. Court

In the United States District Court
For the Middle District of Alabama
Northern Division

Ricky Davis #173073)
Plaintiff) civil action No.
v.) 2:06cv10-F
Warden Gwendolyn Mosley)
et. al.)

Affidavit Statement of Cedric Brooks

Comes now Cedric Brooks #162905 who is over (21) twenty-one years of age and a inmate at Easterling Correctional Facility, being held for a term of indefinite in the seg. unit, now states the following:

ON DECEMBER 30th 2005 BETWEEN 2:30 AND 3:00 AM INMATE RICKY DAVIS #173073 WHO'S ASSIGNED TO 5-B CELL #11 WAS AWAKEN BY OFFICER'S CO.I MR. FLOYD AND MR. WILLIAMS & SGT. MR. BAXLEY, TO CHANGE BEDS FROM CELL #11 AFTER THE BEDS WAS CHANGED INMATE RICKY DAVIS ASKED THE TWO OFFICERS TO GET HIS CELL LIGHTS TURNED OUT SO HE COULD GO BACK TO SLEEP BUT WAS IGNORED AS THE OFFICERS LEFT B-SIDE TIER RICKY DAVIS KICKED THE CELL DOOR AND HOLLERD FOR A ROVER ALSO TO SEE A SHIFT COMMANDER, A COUPLE MINUTES LATER SGT. BRYANT, MR. FLOYD, MR. WILLIAMS CAME TO RICKY DAVIS

Cell door and Sgt. BRYANT said turn your ass around and stick your hands out put the handcuffs on now as inmate RICKY DAVIS followed orders by Sgt. BRYANT the Sgt. BRYANT called up B-Side Tier telling some one to take the dam nurse back to H.C.U for now at that moment they brought Ricky Davis up the tier hands cuffed behind his back going to the lobby and minutes later officer. Floyd & Williams comes back to B-side Tier with Ricky Davis and Ricky Davis turns his head & said to the inmates looking, y'all see my face don't you, his face was red with bruise. so minutes later the nurse comes around and refuse to see him as several inmates complain to her what had just took place. as officers Mr. Floyd & Mr. Williams they laugh & Mr. Floyd stated you got your wish now also stated I aint seen nobody get fired yet walked off laughing. we told Ricky Davis to just wait for first shift to come on then try to get a officer to help him see the nurse for a body chart.

I SWEAR UNDER the PENALTY of PERJURY that the above STATEMENT IS TRUE AND CORRECT to the best of my belie DONE this 30th day of DECEMBER 2005

#162905 Cedric Dewayne Brooks
Cedric Dewayne Brooks

~~On appeal~~
to U.S. Court

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PICKY WARD DAVIS, PRO SE
PLAINTIFF

2:06cv10-F

v.

EDWARD W. MOSLEY,
WARDEN III, ET. AL.

DEFENDANTS

DECLARATION, AFFIDAVIT

COMES now the Plaintiff, Picky Ward Davis - # 173073, a state prisoner, who before this Honorable Court, pursuant to 28 U.S.C. 1746, deposes the following:

Affidavit

I hereby certify under the Penalty of Perjury, that the following is true and correct to the best of my ability and belief.

I am over 21 years old.

On December 30, 2005, at about 2:30-3:00 AM, I was woken up by COI Floyd, COI Williams, SGT ~~Bryant~~^{Bryant} who then told me they had to change bed frames from my cell (SB-11) and (SB-9).

I asked, "why don't you just move me?" I was then told that, "we can't move you, SGT. Nease is the one that assigned you this cell." SGT. Nease is the Segregation Commander and works only ~~1st~~ shift now-FRI. OTHERWISE THERE ARE NO SUPERVISORS ASSIGNED TO SEGREGATION.

I was hand-cuffed behind my back, and the double-frame was moved from SB-11 to SB-9, and the single frame was moved to cell SB-11 (my cell).

I was told by COI Floyd to, "help move these beds," I told him, "I'm hand-cuffed I can't move beds!"

(1)

CO I Floyd, became angry and then told me, "I'll write you up for failure to obey."

AFTER THE SINGLE-FRAME UTS put in my cell, CO I Floyd began to cuss me, and verbally abuse me. I still don't know why.

I asked both officers to "cut my light off," one officer said something that I didn't understand and walked off.

I kicked the door to my cell, twice, and hollered for them to cut my cell-light off!

Sgt. Bryant, CO I Floyd and CO Williams came back to my cell and told me to, "put THESE hand-cuffs on: I put my arms ~~THRU~~ ^{BRYANT} THE TRAY-HOLE and was handcuffed behind my back. I was not allowed to put a jump-suit on.

I was taken to the "office", Sgt. Bryant told, CO I Floyd and CO Williams to, "STEP OUTSIDE", leaving me alone with this SARGENT while hand-cuffed behind my back.

Sgt. ^{Bryant} ~~████████~~ locked the door and walked back to where I was standing, without any provocation then slapped me several times, these blows to my hand were so hard I was knocked down and into a

chair. SGT. BRYANT ~~WATER~~ started to poke me in my forehead and threatened me, saying "when you go back to your cell, you better not say anything."

I ASKED TO BE TAKEN TO THE H.C.U. (HOSPITAL CARE UNIT) BECAUSE MY MOUTH WAS BLEEDING AND MY EAR WAS RIGGING, MY EYE STARTED TO SWELL IMMEDIATELY.

AT ABOUT 3:00-3:30 AM NURSE MCKINLEY CAME AROUND TO SEC. UNIT FOR "EARLY P.M.C.", MYSELF AS WELL AS OTHER INMATES TOLD HER WHAT HAD JUST HAPPENED. PRISON HEALTH SERVICES NURSE MCKINLEY COMPLETELY IGNORED ALL ATTEMPTS BY ANYONE TO GET ME ANY EMERGENCY TREATMENT, SHE WAS BEING ESCORTED BY COI FLOYD AND COI WILLIAMS.

EACH OF THE NAMED DEFENDANTS, ESPECIALLY MOSLEY, WOODARD, NURSE MCKINLEY, SGT. BRYANT, COI WILLIAMS AND COI FLOYD, ARE ALL AFRICAN-AMERICAN. I AM WHITE/WHITE AMERICAN, AND BELIEVE THAT THIS BRUTALITY, ABUSE AND PREDICABLE TREATMENT IS RACIALLY MOTIVATED.

IT IS MY BELIEF THAT THE NUMBER OF BLACK PERSONNEL WHO ARE EMPLOYED AT THE EASTRING CORRECTIONAL FACILITY IS NOW SERIOUSLY DISPROPORTIONATE TO THE NUMBER OF WHITE PRISONERS ADMITTED AN

overwhelming atmosphere of preferential treatment, which I believe is bordering on discrimination and racism.

When 1st shift came in at 6:00 am, I asked Sgt. Nelson to be taken to H.C.U. and have a body chart done, I was taken about 8:00-9:00 am. This body chart is on file.

Later in that day, Capt. Kenneth Scowlers came to Segregation Unit questioned me and 2 other inmates, Garrett Gaines, and Cedric Brooks and took some notes from us.

4 inmates, Thomas Adams, Michael Brazell, Garrett Gaines, and Cedric Brooks. These officers take me out and what I looked like when I was brought back.

I hereby affirm by oral and signature that the foregoing Affidavit is true and correct to the best of my belief and knowledge.

X Ricky Wade Davis 173073

RICKY WADDE DAVIS - 173073

5B-11 E.C.F.

200 WILKINS DR.

CLIO, ALA. 36017

Done this

Day of
(4)

2006

original
to U.S. Court

RICKY MADE DAVIS
pro se, Plaintiff
v.

EWANDOLY MOSLEY
WATKINS III, ET. AL.

CIVIL ACTION NO:
2:06cv10-F

AFFIDAVIT OF THOMAS ADAMS

IT IS MY SWORN STATEMENT THAT ON
DEC. 30, 2005 AT ABOUT 2:30- 3:00 AM
I WTS AWAKE AND SAW AND HEARD BRYANT
COI FLOYD, COI WILLIAMS, AND SGT. ~~DALEY~~
TELL INMATE DAVIS, 173073, TO; "WAKE-UP,"
"WE'RE CHANGING YOUR BED OUT WITH 9 CELL."

WATER WAS SOME MORE CONVERSATION BETWEEN
D.O.C. PERSONNEL AND INMATE DAVIS, HIS BED
WTS TAKEN OUT (+ BUNK FRAME) AND THE
ONE IN 9-CELL SB WTS PUT IN HIS CELL
(+ SUGAR FRAME.)

AFTER THIS EXCHANGE, INMATE ASKED THE
OFFICERS TO "TURN OUT THE LIGHTS IN MY
CELL,"

A LITTLE WHILE LATER INMATE DAVIS WTS
KICKING ON HIS CELL DOOR, HOLLERING, "GET
THE LIGHTS OUT IN MY CELL."

A few minutes later COI Floyd and COI Williams came back to SB-11, and told inmate Davis to "hand-cuff," he was taken out to the lobby, when he came back down the tier you could see some blood from his mouth, his face was starting to swell, he was walking out of balance, inmate Davis was saying, "you'll see what he done, do you'll see this shit."

COI Williams and COI Floyd were laughing.

At about 3:00-3:30 am Nurse McKinley was being escorted by COI Floyd and COI Williams during early "pill-call", although several inmates, (including myself) tried to tell her what had happened, she completely ignored all requests for immediate medical care, including inmate Davis's.

Capt. Kenneth Scouyers did come and interview inmate Ricky Davis-173873 inmate Carroll Gaines-173280 and fellow inmate Cedric Brooks-162905. I am told that he took some notes and then left.

IT IS MY OPINION THAT MANY OF THESE "ACTS OF BRUTALITY" ARE AND COULD BE BASED ON DISCRIMINATION, PREFERENTIAL TREATMENT, AND RACISM. THE DEFENDANT(S) ARE BLACK AND THE PLAINTIFF DAVIS IS WHITE/WHITE AMERICAN.

ACCORDING TO SOME POGRAPH-DATA, THERE SEEMS TO BE A DISPROPORTIONATE NUMBER OF BLACK OFFICERS TO THE NUMBER OF WHITE OFFICERS.

I HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE.

I HEREBY CERTIFY BY ORAL AND SIGNATURE.

Thomas Adams - 100612-B
SB-8 E.C.F.
200 WILMINGTON DR.
CLIO, MI. 36017

Done this 1 day of January, 2006.

(3)